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## **Preface**

The history of relations between Turkey and European Union (EU) goes back a long way. While relations can probably be traced to earlier years, the conclusion in 1963 of the Association Agreement is generally taken as the point of departure.

The candidacy is not the end, but only the beginning of the road for Turkey. We are aware of our responsibilities and the obligation to fulfill the relevant EU criteria. We know that success will depend not merely on the efforts of the government, but also the active involvement of the civil society, and each and every citizen. It is also of critical significance that the EU acts with wisdom and respect for the unique features, complexities and sensitivities of Turkey.

## **Abstract**

The European Union is undoubtedly one of the major success stories to emerge from a violent century which saw millions of Europeans lose their lives in hostilities and conflict. The December 1999 European Council Meeting in Helsinki marked an uplifting ends to such a century. It not only set a vision for the future of the old continent in the new millennium. It also repositioned the horizons of Europe. The Helsinki Summit established the EU's ultimate southeastern borders will be with Syria, Iraq and Iran. Turkey's inclusion in the EU's enlargement thus has both a regional and global significance. The role it played in the Kosova Crisis underlined its importance to the EU in the Balkans. Turkey is equally important where the EU's reach to Eurasia and Middle East is concerned.

Dr. Romano Prodi, the Commission President, has described the Helsinki Council as launching a "New European Order" to embrace "all of us the EU, the applicant countries and our neighbors in a wider Europe." In Turkey too<sup>1</sup>, Helsinki has been hailed as a landmark event, both for the revival it gave to Turkish-EU relations and for launching the process leading to Turkey's eventual full membership of the EU.

For Turkey, acceptance of its candidacy is a natural response to the sacrifices it made throughout the Cold War period. As the only NATO member with a land border with the Soviet Union, it bore a heavy share of the Alliance's burden. It finds it fitting that, having contributed to the creation of the new Europe, it should also be part of this Europe.

## **Notes**

<sup>1</sup> “Turkey and the EU Membership” Amb.Dr. O.Faruk Logoglu, Holiday News From Turkey, Eski Publishing, p-8

## **Chapter 1**

### **INTRODUCTION**

*We shall raise our society to the level of contemporary civilization.*

M. Kemal Atatürk

For nearly 40 years the Turkish Government has struggled to attain membership into the EU, yet it has continually met resistance at every turn and is still not a member today. It is the author's belief that the lack of membership is not the fault of the Turks but that of the other EU members. This paper will provide a brief introduction into Turkey, its unique European / Asian culture and its relationship with the EU. Next specific examples of Turkey's effort to meet EU obligations for membership and the unwritten reasons as to why Turkey is continually thwarted will be presented. Finally a brief summary of the text is provided and the author's opinions as to what needs to occur in order for Turkey to realize its long term goal of EU membership.

Turkey is the only pluralist secular democracy in the Muslim world and has always attached great importance to developing its relations with other European countries. Historically, the Turkish culture has had a profound impact over much of Eastern and Southern Europe.



Turkey began “westernizing” its economic, political and social structures in the 19<sup>th</sup> century. Following the First World War and the proclamation of the republic in 1923, it chose Western Europe as the model for its new secular structure.

Ever since Turkey has closely aligned itself with the West and has become a founding member of the United Nations, a member of NATO, the Council of Europe, and associate member of the Western European Union. During the Cold War Turkey was part of the Western alliance, defending freedom, democracy and human rights. In this respect, Turkey has played, and continues to play a vital role in the defense of the European continent and the principal elements of its foreign policy have converged with those of its European partners. Thus having aligned itself both military and politically to its western European counterparts, Turkey aims to align itself economically as well. Thus, Turkey chose to begin close cooperation with the fledgling European Economic Community (EEC) in 1959.

### **The Ankara Agreement**

In July 1959, shortly after the creation of the European Economic Community (EEC) in 1958, Turkey made its first application to join. The EEC’s response to Turkey’s application in 1959 was to suggest the establishment of an association until Turkey’s circumstances permitted its accession. The ensuing negotiations resulted in the signature of the agreement creating an association between the Republic of Turkey and the European Economic Community “The Ankara Agreement” on 12 September 1963. This agreement, which entered into force on 1 December 1964, aimed at securing Turkey’s full membership in the EEC through the establishment in three phases of a customs

union, which would serve as an instrument to bring about integration between the EEC and Turkey.

The Ankara Agreement envisaged the progressive establishment of a Customs Union, which would bring the parties closer together in economic and trade matters. In the meantime, the EEC would offer financial assistance to Turkey. Under the first Financial Protocol, which covered the period 1963-1970, the EEC provided Turkey with loans worth 175 million ECU<sup>1</sup> (the precursor currency to the Euro dollar). The trade concessions which the EEC granted to Turkey under the form of tariff quotas proved, however not to be as effective as expected. Yet, the EEC's share in Turkish imports rose from 29% in 1963 to 42% in 1972.<sup>2</sup>

Although the Ankara Agreement envisaged the free circulation of goods, it did not limit itself to just that but included services, capital and unrestricted travel, between the parties. Unfortunately it excluded Turkey from the EEC decision-making mechanisms and did not provide a means for Turkey to adequately settle disputes. The customs union that was established between the Parties went much further than the abolishment of tariff and quantitative barriers to trade between the Parties. It also applied a Common External Tariff to imports from third country, and envisaged harmonization with EEC policies in virtually every field relating to the internal market.<sup>3</sup> The Ankara Agreement still constitutes the legal basis of the association between Turkey and the EU.

### **Turkey's Application for Full Membership in 1987**

On 24 January 1980, Turkey shifted its economic policy to an import-substitution model and opened its economy to the operation of market forces. Following this development in the economic area and the multiparty elections in 1983, the relations

between Turkey and the Community, which had come to a virtual freeze following Turkish military intervention of 12 September 1980, began returning to normality. In the light of these positive developments, Turkey applied for full membership in 1987, on the basis of the EEC Treaty's Article 237, which gave any European country the right to do so. Turkey's request for accession, filed not under the relevant provisions of the Ankara Agreement, but those of the Treaty of Rome, underwent the normal procedures. The Council forwarded Turkey's application to the Commission for the preparation of an opinion. This has reconfirmed Turkey's eligibility, given that the Council turned down a similar application by Morocco on the grounds that Morocco is not a European country. The Commission's Opinion was completed on 18 December 1989 and endorsed by the Council on 5 February 1990.<sup>4</sup> It basically underlined Turkey's eligibility for membership, yet deferred the in-depth analysis of Turkey's application until the emergence of a more favorable environment. It also mentioned that Turkey's accession was prevented equally by the EC's own situation on the eve of the single market's completion which prevented the consideration of further enlargement. It went on to underpin the need for a comprehensive cooperation program aimed at facilitating the integration of the two sides and added that the Customs Union should be completed in 1995 as envisaged.

The Luxembourg Council of 1997 initiated the enlargement of the EU, but put Turkey in an uncertain category on its own, confirming Turkey's eligibility for full membership, but restricting relationship to the consolidation of the Association Regime and intensification of the Customs Union. The ambiguity caused Turkey to suspend its political dialogue with the EU on issues, which had been deemed to constitute obstacles

for accession. Turkey and EU carried out regular meetings after September 1998 on the implementation of the European Strategy. Yet, as the Commission acknowledged in its reports, the fact that there was no clear vision for Turkey with regard to membership and a lack of financial cooperation hampered any meaningful development of the Strategy. Nevertheless, these meetings have at least led to discussions of the liberalization of services and agreement on public procurement. Indeed, while much remains to be done, Turkey has gone far to adapt to the Union Standards in the fields of customs, foreign trade, competition, consumer protection, intellectual and industrial property, company law, and state aid systems.

### **Notes**

<sup>1</sup> Guneri Civaoglu “Avrupa ve Türkiye”, Milliyet Newspaper, 5 December 2000

<sup>2</sup> Türkiye’nin Gücü, Onur Öymen, p 156

<sup>3</sup> [www.maliye.gov.tr](http://www.maliye.gov.tr)

<sup>4</sup> [www.mfa.gov.tr](http://www.mfa.gov.tr)

## Chapter II

### For EU, an Issue of Identity and Vision

*Our great ideal is to raise our nation to the highest standard of civilization and prosperity.*

M. Kemal Atatürk

Will the future of the EU be limited by religious and racial connotations or will it be one that reaches out and boldly contributes to the diversity and unity of a much larger geography?

The EU is now deciding on its enlargement process. One important decision is what role to offer Turkey, which provides Western Europe's main historical, cultural and economic link to Eastern horizons. The choice the EU makes will either provide the EU with a crucial bridge of conciliation with civilizations of other characteristics, mainly Middle Eastern countries or will stagnant the growth of EU community by refusing to broaden its cultural, religious, and political perspective.

Turkey considers herself both European and Asian, and view this duality to be an asset. Therefore the Turks are disturbed when the European trait our identity is questioned: If being European is a historical or geographical definition, Turks live and have lived 700 years of their history in Europe, and as a European power. Turkish history was molded as much in Istanbul, Edirne, Tetova, and Sarajevo as it was in Bursa, Kayseri and Diyarbakir.

If being European is a cultural definition, (i.e. religious, type of government, life style, etc.) things get a bit more complicated: If we define European culture by religious criteria,<sup>1</sup> (and so do—see reference 10 newspaper article) then the EU is a Christian Club and the acceptance of a non Christian entity is not appropriate. But if European Culture is defined as the EU officially claims, that is, by factors such as democracy, human rights, rule of law, gender equality, secularism, etc., then, in spite of needs for further progress on some issues, than Turkey's admittance is acceptable based on having shared and contributed to this contemporary European culture for more than 75 years.

Then, we ask ourselves, where is the real problem? What is it that justifies the EU's continual denial of Turkey's membership for almost four decades? What is it, which causes the reluctance to call a country that has an association agreement with EU since 1963, a country that is part of the EU Customs Union, a candidate? Why is there such a discrimination against a NATO member who has contributed extensively to the defense of Europe? Against one of the most dynamic economies of Europe, a country greatly contributes, in term of markets and growth to the whole of Europe?

There are four main reasons for not accepting Turkey into the EU: religion, Greece, Cyprus, and human rights. These reasons, with the exception of religion, which will not be discussed due to current sensitivities, are addressed in great detail in Ismail Cem's book which documented a number of personal interviews with the EU member country representatives<sup>2</sup> Concerning relations with Greece, a member country, conventional criticism is generally unfounded. First, Turkey needs two sides to solve a bilateral problem; one of the sides cannot be held responsible when both parties must contribute for a solution. Second, Turkey has done a lot to improve relations. The third parties

involved in negotiations to promote a better understanding between the two neighbors can bear witness to our efforts.

### **Relations with Greece**

Turkish and Greece relationships extend back into the middle ages. Through time a great amount of animosity between the two countries has existed. Greece has continually thwarted Turkey's efforts to become a member; however recent years have seen a "change of heart" and a ease of tension.

It was only in February 1999 that Turkey and Greece were on the brink of another crisis after the transfer of the PKK<sup>3</sup> "chieftain" Abdullah Öcalan to Turkey by the Turkish Special Forces with the help of the Kenyan Government. Öcalan had been staying at the Greek Embassy in Nairobi for fourteen days when he was handed over to the Turkish authorities after he was taken to the airport on 16 February 1999 by the security forces of Kenya. The crisis over this incident heavily shook the Greek Government. Three Ministers, including Foreign Minister Theodoros Pangalos, resigned.<sup>4</sup>

The incident was a turning point in Turkey's fight against a very cruel form of secessionist terrorism, which is similar to IRA's effort to form a separate political entity from England, and cost Turkey thirty thousand lives, and about 100 billion US dollars.<sup>5</sup> It also resulted in something of a change of attitude in Greece regarding its relations with Turkey. Greece realized that dialogue with Turkey would be a safer way than giving support to terrorism.

Turkey, closely following the developments in Greece, called upon its Aegean neighbor to end all support to the PKK and other terrorist groups. Foreign Minister Cem

sent a letter to his new counterpart, George Papandreou, on 24 May 1999 and proposed to conclude a bilateral agreement to fight against terrorism.

Foreign Minister Papandreou met this initiative with a counter proposal on 25 June 1999, and suggested establishing a dialogue in fields such as culture, tourism, environment, fighting crime and economic matters. "The Greek Foreign Minister underlined that, dealing with organized crime, drug trafficking, illegal migration and terrorism are a priority both for Greece and Turkey" and "cooperation in this field is a necessity."

Both foreign ministers met in New York on 30 June 1999 and decided to initiate a dialogue process covering the above-mentioned areas. The talks started in July 1999.

In August 1999 a major earthquake struck Turkey, followed by another in Athens in September. These cruel events elicited great and dramatically expressed empathy between the people of both countries. The solidarity displayed has provided a powerful impetus for further progress. The joint work initiated between Turkey and Greece on the above-mentioned issues has proven to be satisfactory. Foreign Ministers Cem and Papandreou exchanged visits and nine agreements have since been signed between the two countries.

Foreign Minister Papandreou's visit to Turkey on 20-21 January 2000 was an important step forward in Turkish-Greek relations. This was the first official visit of a Greek Foreign Minister to Turkey since 1962.<sup>6</sup> Agreements on cooperation in combating terrorism and organized crime, on tourism, the environment and the protection of investments were all signed during the visit.



The remaining five agreements, on Economic Cooperation, Maritime Transport, Customs Cooperation, Culture and Science and Technology were signed during Foreign Minister Cem's visit to Athens on 4-5 February 2000. This was the first official visit by a Turkish Foreign Minister to Greece in the last forty years.

Turkish-Greek relations have, in the past, suffered from misinterpretations of the intentions of the two countries toward one another. Until very recently, one of the crucial problems in Turkish-Greek relations had been the lack of communication between the political establishments and ordinary people in both countries, leading to feelings of mutual distrust. Recent developments have created a calmer atmosphere in relations between the two neighbors. Moreover, Greek politicians have, in the past, had a tendency to exploit the state of relations with Turkey for domestic political purposes. However, it is worth noting that during the campaign period leading up to the April elections in Greece, the "Turkish factor" did not become an issue for the first time in recent past.

The basic fact remains that the two countries are not just NATO allies, but also associates in the EU and the Western European Union (WEU) and destined to be prospective EU partners. In other words, Turkey and Greece should enjoy close military, political and economic ties. On the other hand, the problems between the two countries are complex and interrelated.

Areas where there are substantial differences include; the breadth of territorial waters, delineation of the continental shelf, which determines ownership of coastal islands, airspace-related problems. In addition the militarization of the Eastern Aegean islands in violation of the provisions of relevant international agreements.

Turkey believes that Turkish-Greek relations in the Aegean must be based on the following principles:

- a. The Aegean is a common sea between Turkey and Greece.
- b. Both countries should respect each other's vital interests.
- c. The freedom of the high seas and the air space above the Aegean, which at present both coastal states and third countries enjoy, should not be impaired.
- d. Any acquisition of new maritime areas should be based on mutual consent and should be fair and equitable<sup>7</sup>.

The unanimous recognition of Turkey as a candidate country on an equal footing with other candidates at the European Council meeting in Helsinki was an important development. Turkey hopes that this decision will also facilitate the start of negotiations on problems in the Aegean. Turkey possesses the necessary political will to settle all problems in the Aegean peacefully, and sincerely believes that the way ahead lies in co-operation rather than confrontation.

Turkey is committed to the resolution of existing disagreements relating to the Aegean Sea through peaceful methods based on mutual consent. There commitment is such that Turkey is willing to allow third party arbitration to resolve these outstanding issues. The essential features of such methods, including their form, basis, scope and terms and conditions, and will have to be agreed upon between the two parties through negotiation.<sup>8</sup>

Turkey anticipates building on the recent opportunities, which have been recently realized in relations between the two countries. It also seeks evidence of this cooperation in the ending of Greek opposition to Turkish participation in certain EU programs of the

sort available to all other candidates for full membership, as well as those promised at the time Turkey's customs union with the EU was finalized. Turkey also looks to Greece for support in its campaign against terrorism and separatism.

The Turkish government welcomes recent initiatives by Turkish and Greek businessmen towards developing joint projects and investments in their respective countries and elsewhere, for example in the Balkans. It also welcomes the moves by various non-governmental organizations (NGO's) to promote cooperation through media and education. The actions taken by the respective governments will need reinforcement at every level. For too long, the Greek national identity has been forged largely on the anvil of struggle against the Ottomans and the Turks. The time has come for change and for Europe's full support for such change.

## **Cyprus**

While the Greece issue is a major hindrance to Turkey's membership to the EU, Turkey has had its hands full dealing with another volatile issue that being its support to the Turkish Cypriot. The Cyprus issue involves Turkey's vital national and strategic interests. The level of commitment and sensitivity attached to it, both on a public and an official level, are enormous. In line with its treaty obligations as a guarantor power, Turkey's primary concern with respect to Cyprus has been the preservation of peace and stability on the island in general, and the security and well-being of the Turkish Cypriot people in particular.

The island of Cyprus, which, geographically, is an extension of the Anatolian peninsula,<sup>9</sup> has been the scene of many conquests, due to its proximity to the Middle East and its strategic location at the crossroads of East and West. Cyprus has seen a

succession of rulers; Assyrians, Egyptians, Persians, Romans, Arabs, European Crusaders and Turks, who ruled the island as part of the Ottoman Empire from 1571 until 1878.

The roots of the Cyprus issue date back to the 1950's, when Greek Cypriot and Greek aspirations for Enosis, (the union of Cyprus with Greece) came to a head. The drive for Enosis, which had intensified after the change from Ottoman Turks to British rule in 1878, took the form of a terrorist campaign in the 1950s against the Turkish Cypriot population, as well as against British colonial rule. Despite Greek demands designed to achieve annexation under the guise of self-determination, the United Kingdom, before relinquishing its sovereignty over Cyprus, explicitly recognized, through government statements in Parliament in 1956 and 1958, that the Turkish Cypriot and Greek Cypriot peoples were joint owners of the Island and that they each had a separate right to self-determination.<sup>10</sup>

In fact, there has never been a "single Cypriot nation," in Cyprus; rather there has been two distinct peoples, each with a different culture, religion and ethnicity, as well as two different languages. Although the two peoples had lived together on the island for centuries, they did not intermingle at all. In line with this reality, when the United Kingdom intended to grant independence to Cyprus, talks were initiated between the Turkish and Greek governments with the knowledge of both sides in Cyprus. These talks led to the Zurich Agreement of 1959 which was endorsed in London by Turkey, Greece, United Kingdom, Dr. Küçük on behalf of the Turkish Cypriot people, and Archbishop Makarios on behalf of the Greek Cypriot people.<sup>11</sup> On this basis, the constitution of 1960 was negotiated and the Treaties of Guarantee, Alliance and Establishment were concluded. When the five-party Treaties were signed, United Kingdom transferred

sovereignty to the two peoples on the island. The state of affairs created in Cyprus by the international treaties of 1960 was one of political and sovereign equality and the equal constituent status of the two peoples. Through these international treaties, limited sovereignty was transferred to both the Turkish and Greek Cypriots. Under the Treaties of Guarantee and Alliance of 1960, Turkey, the United Kingdom and Greece became guarantors of the new state of affairs,<sup>12</sup> which was aimed at preventing either one of the two constituent peoples from imposing its political will over the other, as well as establishing an equitable balance between the two motherlands, Turkey and Greece, vis a vis Cyprus. These were in fact the internal and external balances upon which the 1959-1960 Treaties were based.

The Greek Cypriots and Greece, however, regarded the establishment of the partnership Republic as a temporary setback to their ultimate aim of uniting the island with Greece, i.e. Enosis, and attempted to destroy both the internal and the external balances created by the 1960 state of affairs from the very first day they were established. In December 1963, the Greek Cypriots resorted to violence, expelling the Turkish Cypriot partner from all government organs by force of arms, and usurped the state machinery. The Turkish Cypriots refused to bow to this illegality. Thus began years of unprecedented cruelty, bloodshed and suffering for the Turkish Cypriots, who, at the cost of their lives and property, conducted a valiant struggle to protect their rights, culture and identity.

During the 1963-1974 periods, hundreds of Turkish Cypriots were murdered by armed Greek Cypriot paramilitaries, and a quarter of the Turkish Cypriot population (some 30,000 people) made homeless. Hundreds more were abducted, never to be seen

or heard of again. Those lucky enough to survive Greek Cypriot atrocities gathered in tiny enclaves, the total area of which corresponded to a mere 3% of the territory of Cyprus, leading the life of refugees, and surviving only thanks to aid from the Red Crescent.<sup>13</sup> In 1974, Turkish Cypriots were finally relieved from this ordeal and saved from total extermination by the intervention of Turkey, acting in accordance with her Treaty rights and obligation, after the Greeks had made a bloody attempt at the final takeover of Cyprus by Greece through a coup d'etat organized by the junta in Athens and its collaborators in Cyprus.

Having been denied their rights and their status under the 1960 Constitution, the Turkish Cypriot people, exercising of their right to self-determination, established their own administration. After evolving through various stages, the institutional organization of the Turkish Cypriot people culminated in the establishment of the Turkish Republic of Northern Cyprus (TRNC) in 1983. This entire experience served to prove that the only secure guarantee for the Turkish Cypriots was to live in their own separate "entity," under the effective protection of Turkey. Based on this reality, the Turkish Cypriots strove to establish a final compromise and proposed the creation of a federation between the two entities. The establishment of an independent, non-aligned, bi-national, and bi-zonal federal republic was envisaged by the Denktas-Makarios Guidelines of 12 February 1977. However, the Greek Cypriot side resisted such a settlement, never negotiating sincerely for a federation, and frustrated all attempts for an agreed solution. They continued to pursue their goal of extending Greek Cypriot sovereignty over the entire island and of engineering a return to the pre-1974 conditions. They claimed that the Republic of Cyprus, destroyed by their own hands in 1963, still existed and that their sovereignty

covered the entire island. They imposed embargoes against the Turkish Cypriots and refused to accept the political equality of the Turkish Cypriots. The Greek Cypriot leadership also demonstrated a continuous record of intransigence, rejecting numerous UN proposals envisaging a federal settlement: The Draft Framework Agreement of 1985-86, the UN sponsored Set of Ideas of 1992, the package of Confidence Building Measures of 1994, and many others.

The unilateral application in 1990 by the Greek Cypriots for EU membership on behalf of "Cyprus" added a further negative dimension to the issue. The subsequent decision by the EU at its summit in Luxembourg to start negotiations for full membership with the Greek Cypriot party has only brought about further intransigence on its part. This situation has evidently had a detrimental impact on the efforts to find a settlement.

Neither Turkey nor the Turkish Cypriots accepted the decisions taken at the Luxembourg Summit with regard to Cyprus.<sup>14</sup> This objection was, in fact, based on solid legal arguments. Firstly, since 1963, when the Greek Cypriots destroyed the Partnership State established in 1960 by force of arms, there has not been a single state, government or parliament competent to represent the whole island. Until a mutually acceptable political solution is freely reached between the two parties in Cyprus, neither side may undertake any action, which would have international legal and political consequences for the whole of Cyprus.

Secondly, the 1959 Zurich and London Agreements stipulated that Cyprus cannot join international organizations or pacts of alliance of which both Turkey and Greece are not members, and the 1960 Treaty of Guarantee contains the provision that Cyprus cannot participate, in whole or in part, in any political or economic union with any state

whatsoever.<sup>15</sup> These provisions were incorporated into the said Agreements in order to secure balance between the two motherlands, namely Turkey and Greece, with regard to their rights and obligations over Cyprus.

In view of these arguments, both Turkey and the Turkish Cypriots made it clear that the advancement of the Greek Cypriot application would disrupt the basic parameters of the negotiating process in Cyprus. In particular the principle of equality of the parties. Lead to the perpetuation of division between the two sides; and escalate tensions on the island. The Greek Cypriot side has never concealed that it was only using EU membership as a ploy for doing away with the vested rights of the Turkish Cypriot people and for destroying the balance between Turkey and Greece in favor of Greece.

Despite these facts, at its Luxembourg Summit 12-13 December 1997, the EU Council decided to commence accession negotiations with the Greek Cypriot side. This decision was considered by the Turkish Cypriot side and Turkey to be an infringement of international treaties on Cyprus, as well as a violation of the equal political status and sovereignty of the Turkish Cypriot people. Opening accession negotiations with the Greek Cypriot side has also had devastating effects on the UN negotiating process.

Turkey rightly argues that the issue of EU membership can only be contemplated after a political settlement on the island. Such an exercise should also address the critical question of how to maintain the delicate balance between Turkey and Greece over Cyprus, as established and guaranteed by the 1960 Treaties.

### **Human Rights**

The Cyprus issue was a major political concern that Turkey was not willing to back down even if it meant losing its NATO membership; this has not been the case with the



human rights issue. Turkey has demonstrated of steady commitment to strengthening the protection of the human rights of its citizens. It shares with members of the European Union the appreciation of the importance of respect to the individual. It has launched, and plans to continue, a series of initiatives to address those few remaining areas where differences in detail remain. The constitutional provisions and other legislation concerning civil and political rights are under review in order to make further modifications in order to bring the Turkish system closer to universal standards.

Turkey has signed and ratified the main European and international conventions on human rights, including the European Convention on Human Rights, the European Convention for the Prevention of Torture, and the European Social Charter. Like Belgium and France, it has not signed the European Framework Convention on the Protection of National Minorities. The right of individual recourse to the European Commission of Human Rights was recognized on 28 January 1987.<sup>16</sup> This was followed by the recognition of the compulsory jurisdiction of the European Court of Human Rights on 22 January 1990. Turkey has also signed and ratified Protocol No.11. Today, any person may take his/her case to the European Court if he/she considers that his/her rights under this Convention have been violated.

Fundamental rights and freedoms have long been established in the Turkish constitutional tradition. Like the Constitution of 1961, the Constitution of 1982 contains a large human rights catalogue, formulated in almost the same wording as the provisions of the European Convention on Human Rights and other related international legal instruments.

Article 12 of the Turkish Constitution recognizes the essential character of human rights, stating, "Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable." The Constitution devotes its first chapter to fundamental rights and freedoms, using the same classifications as the International Bill of Human Rights.<sup>17</sup>

The Turkish constitution includes strong guarantees for individual freedoms. Article 14 of the Constitution outlaws discrimination based on language, race or religion. Article 10 guarantees the equality of all individuals, irrespective of language, race, color, sex, political opinion, philosophical belief, religion, and sect. State organizations must act on the basis of the principle of equality before the law in all their proceedings. Article 15 states that no one may be compelled to reveal his religion, conscience, thought, or opinion, or be accused on account of them.

These articles represent an attempt to ensure general equality for everyone in reaction to the situation in the Ottoman Empire and other traditional states in the pre-modern Middle East in which society was broken up into religious minorities, some with fewer rights and privileges than others. Torture is a crime, and the prosecutor immediately follows up any evidence of maltreatment of detainees. Successive governments have underlined their opposition to torture, reducing the time which detainees may be held without access to a lawyer and easing the process for suing a state employee.

Freedom of association is guaranteed in Turkey and associations may be freely established. Recent changes include allowing civil servants to join a trade union. Freedom of assembly is also guaranteed. Freedom of expression is secured in accordance

with Article 10 of the European Convention on Human Rights. Under this, the exercise of this freedom may be restricted for the purposes of:

- a. Preventing crime.
- b. Punishing offenders.
- c. Withholding information duly classified as a state secret.
- d. Protecting the reputation, rights and the personal and family privacy of individuals.
- e. Protecting professional secrets as prescribed by law.
- f. Ensuring the proper functioning of the judiciary.<sup>18</sup>

In recent changes, Article 8 of the Anti-terrorism Law has been amended to reduce prison sentences and allowed the freeing of detainees and the dropping of charges. The new law significantly extends freedom of expression in Turkey. There are only minor restrictions regarding the freedom of press stemming from the needs to ensure the internal and external security of the state or the integrity of the state's territory.

The death penalty is still in force under the Turkish Penal Code, but no executions have been held since 1984. The new draft Penal Code prepared by the Ministry of Justice in co-operation with competent experts envisages the abolition of the death penalty.

## **Conclusion**

*When walking, it is not enough to be able to see the horizon; what is beyond the horizon must be seen and understood too.*

M. Kemal Atatürk

After we reviewed some of Turkey's uniqueness when compared to EU member countries, we explored a number of factors that have kept Turkey out of the EU. As discussed those factors were the Greece, Cyprus, and human rights issues. While

discussing each issue in turn, we looked at the various Turkish attempts to either rectify or clarify Turkey's positions with respect to each issue.

It is obvious that the admittance of Turkey into the EU is not easy undertaking. It is also evident that Turkey is closer to EU membership today than ever been in the past. Still a change in EU member countries' attitudes is required. The members have a charter and strict requirements that have been subject to interpretation and this must stop. How can an entity on one side of its mouth say that Turkey is the European Soccer Championship Participator and Basketball champs in 2001 yet say that Turkey is not European when it comes to EU membership.

EU membership is not an obsession for Turkey, but one hell of an opportunity to join hand-in-hand with Western Europe financially. Lack of membership does not mean the end of Turkey, fiscally it merely means the road or path the country must take is different and there should be no doubt that whatever goal Turkey wishes to attain will, in the end, be reached through determination and hard work.

### Notes

- <sup>1</sup> Milliyet Newspaper, 19 March 2001
- <sup>2</sup> Turkey in the New Century, Ismail CEM, p191
- <sup>3</sup> Kurdish Acronym, Partiya Karkaren Kurdistan
- <sup>4</sup> Sabah Newspaper, 20 February 1999
- <sup>5</sup> PKK Reality in Turkey and in the World, Ankara Journalist Association, p 37.
- <sup>6</sup> Milliyet Newspaper, 20 January 2000
- <sup>7</sup> [www.mfa.gov.tr](http://www.mfa.gov.tr)
- <sup>8</sup> Canan Balkir and Allan M. Williams, Turkey and Europe, St martins Press, Inc., 1993, p 24
- <sup>9</sup> [www.turizm.gov.tr](http://www.turizm.gov.tr)
- <sup>10</sup> [www.mfa.gov.tr](http://www.mfa.gov.tr)
- <sup>11</sup> Siyasi Tarih (Political History), Rifat Ucarol, p 255
- <sup>12</sup> Siyasi Tarih (Political History), Rifat Ucarol, p 250

## Notes

<sup>13</sup> [www.mfa.gov.tr](http://www.mfa.gov.tr)

<sup>14</sup> Rifat Ucarol, Kibris'in Gelecegi (The future of the Cyprus), p 45

<sup>15</sup> [www.mfa.gov.tr/grupa/ad/adc/mendel.htm](http://www.mfa.gov.tr/grupa/ad/adc/mendel.htm)

<sup>16</sup> [www.mfa.gov.tr/yayinlar/Europe](http://www.mfa.gov.tr/yayinlar/Europe)

<sup>17</sup> Turkish Constitution, p 10-15

<sup>18</sup> [www.mfa.gov.tr](http://www.mfa.gov.tr)

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